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10 **Attorneys for Plaintiffs**

11 12 UNITED STATES DISTRICT COURT

13 EASTERN DISTRICT OF CALIFORNIA

14 15 SACRAMENTO DIVISION

16 17 AT LAW AND IN ADMIRALTY

18 19 **DENNIS C. PAYNE and SUSAN
20 PAYNE,**

21 22 Plaintiffs,
vs.

23 24 **ABB, INC. (sued individually and as
successor-in-interest to BAILEY
25 METER CO.);**

26 27 Defendants.

28 Case No. 2:20-cv-01198-TLN-AC

**JOINT STIPULATION AND
ORDER TO FILE SECOND
AMENDED COMPLAINT FOR
DAMAGES (WRONGFUL DEATH
AND SURVIVAL ACTION)**

The Hon. Troy L. Nunley

Pursuant to Rule 15(a)(2), Plaintiffs DENNIS C. PAYNE and SUSAN PAYNE
and Defendants hereby stipulate that the Plaintiffs may file their Second Amended
Complaint for Damages (Wrongful Death and Survival Action), attached hereto as
Exhibit A.

On or about September 12, 2022, injured Plaintiff DENNIS C. PAYNE died. A
Notice of Death was filed on September 22, 2022. (Dkt. # 125.) Plaintiffs through this
stipulation hereby move the Court to grant their request to file a second amended
complaint for wrongful death.

The only differences between the Second Amended Complaint for Damages
(Wrongful Death and Survival Action), attached as Exhibit A, and the First Amended
Complaint for Damages (Dkt. # 61) are:

- Plaintiff SUSAN PAYNE substituted as the successor-in-interest to Decedent DENNIS C. PAYNE pursuant to Rule 25(a)(1);
- Decedent's heirs and children EMILY PAYNE and SAMUEL PAYNE added as plaintiffs;
- Caption updated to reflect the above;
- Decedent's death added to his injuries;
- References to "Plaintiff" changed to "Decedent" where applicable;
- Removal of one defendant for which a stipulation as to dismissal has already been granted, Defendant VIACOMCBS, INC. (Dkt. # 116);
- Changed CRANE CO. to REDCO CORPORATION, on request of

1 defendant; and

2 • Changed GOULDS PUMPS, INCORPORATED to GOULDS PUMPS
3 LLC, on request of defendant.

4 No additional defendants have been added, nor have any causes of action been
5 added.

6 Pursuant to Rule 15(a)(3), any responsive pleading shall be due 14 days after filing
7 of the Second Amended Complaint for Damages (Wrongful Death and Survival Action).

8
9 DATED: March 14, 2023

10 FROST LAW FIRM, PC

11
12 By: /s/ Andrew Seitz
13 ANDREW SEITZ
14 Attorney for Plaintiff

15
16 DATED: March 14, 2023

17 WILSON, ELSER, MOSKOWITZ,
18 EDELMAN & DICKER LLP

19
20 By: /s/ Nicolas R. Lane
21 NICOLAS R. LANE
22 Attorney for Defendant ABB, INC.

23
24 DATED: March 14, 2023

25 K&L GATES LLP

26
27 By: /s/ Damon M. Pitt
28 DAMON M. PITTS
Attorney for Defendant CRANE CO.

DATED: March 14, 2023

HUGO PARKER, LLP

By: /s/ Bina Ghanaat

BINA GHANAAT

Attorney for Defendants FOSTER
WHEELER ENERGY
CORPORATION and FOSTER
WHEELER, LLC

DATED: March 14, 2023

WFBM, LLP

By: /s/ Derek S. Johnson

DEREK S. JOHNSON

EMILY E. ANSELMO

Attorneys for Defendant GENERAL
ELECTRIC COMPANY

DATED: March 14, 2023

MORGAN, LEWIS & BOCKIUS LLP

By: /s/ Amy J. Talarico

JOSEPH DUFFY

AMY J. TALARICO

MARISA R. CHAVES

Attorneys for Defendants CARRIER
CORPORATION; CLEAVER
BROOKS, INC.; GOULDS PUMPS,
INC.; JOHNSON CONTROLS, INC.
and YORK INTERNATIONAL
CORPORATION

DATED: March 14, 2023

TUCKER ELLIS LLP

By: /s/ Nicole E. Gage

NICOLE E. GAGE

Attorney for Defendant ROCKWELL
AUTOMATION, INC.

DATED: March 14, 2023

BURNHAM BROWN

By: /s/ Rohit A. Sabinis

ROHIT A. SABNIS

Attorney for Defendant TATE
ANDALE, LLC

DATED: March 14, 2023

WILSON, ELSE, MOSKOWITZ,
EDELMAN & DICKER LLP

By: /s/ Nicolas R. Lane

NICOLAS R. LANE

Attorney for Defendant ABB, INC.

DATED: March 14, 2023

LEWIS BRISBOIS BISGAARD &
SMITH LLP

By: /s/ Florence A. McClain

FLORANCE A. McCLAIN

Attorney for Defendant SB DECKING,
INC.

DATED: March 14, 2023

HAWKINS PARNELL & YOUNG
LLP

By: /s/Ana Reeg
ANA REEG
Attorney for Defendant ALFA LAVAL
INC.

ORDER

The Court having reviewed the foregoing Stipulation, and good cause appearing therefore:

5 IT IS HEREBY ORDERED that Plaintiffs are granted leave to amend to file their
6 Second Amended Complaint, a copy of which is attached hereto as **Exhibit A**.

IT IS ALSO ORDERED that Defendant's responsive pleading shall be due thirty days after the Second Amended Complaint is filed.

IT IS SO ORDERED.

Dated: March 20, 2023

Troy L. Nunley

Troy L. Nunley
United States District Judge